

CDI: 7

Court: 133

## DOCUMENTS

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99050798	Notice of Appearance of Counsel	11/19/2021	3
99072983	Answer to Original Petition	11/17/2021	2
98502851	Request for Issuance of Service- James K. Lee (Defendant)	10/19/2021	2
-> 98502852	Request for Issuance of Service-JJBADS	10/19/2021	1
97648629	PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCOVERY	08/31/2021	5

# EXHIBIT A

**CAUSE NO. 2021-55339****SEAN XAVIER HOLCOMBE**  
**Plaintiff**

v.

**JAMES KENNETH LEE,**  
**JJBADS TRUCKING, LLC. and.**  
**JIMMY EDGAR HIPES**  
**Defendants**§ **IN THE DISTRICT COURT**  
§  
§  
§ **133<sup>rd</sup> JUDICIAL DISTRICT**  
§  
§  
§  
§  
§ **HARRIS COUNTY, TEXAS****NOTICE OF APPEARANCE OF COUNSEL**

**PLEASE TAKE NOTICE** that Clinton V. Cox, IV and Lauren Lopez of the law firm COX, PLLC hereby enter their appearance in this lawsuit as counsel for Defendants JAMES KENNETH LEE, JJBADS TRUCKING, LLC, and JIMMY EDGAR HIPES.

Defendants request that the undersigned counsel be added to any notice or service lists, and that all notices given or required to be given in this case, and all papers served or required to be served in this case, be served upon undersigned counsel as follows:

**Clinton V. Cox, IV (Lead Counsel)**

State Bar No. 24040738

[ccox@coxpllc.com](mailto:ccox@coxpllc.com)**Lauren M. Lopez**

State Bar No. 24078994

[llopez@coxpllc.com](mailto:llopez@coxpllc.com)

8144 Walnut Hill Lane, Suite 1090

Dallas, Texas 75231

Tel: (214) 444-7050

Fax: (469) 340-1884

Respectfully submitted,

**COX P.L.L.C.**

By: 

**CLINTON COX**

State Bar No. 24040738

[ccox@coxpllc.com](mailto:ccox@coxpllc.com)

**Lauren M. Lopez**

State Bar No. 24078994

[llopez@coxpllc.com](mailto:llopez@coxpllc.com)

8144 Walnut Hill Lane, Suite 1090

Dallas, Texas 75231

(214) 444-7050

[Fax] (469) 340-1884

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

This will certify that a true and correct copy of the foregoing instrument has been served to all attorneys of record in the above-entitled and numbered cause, in accordance with the Texas Rules of Civil Procedure on this the 19<sup>th</sup> day of November 2021.

/s/ Lauren Lopez

**Lauren Lopez**

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Donna Gordon on behalf of Lauren Lopez  
Bar No. 24078994  
dgordon@coxpllc.com  
Envelope ID: 59344699  
Status as of 11/19/2021 3:58 PM CST

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Thomas Nixon		tpnix@hotmail.com	11/19/2021 3:00:59 PM	SENT
Thomas Nixon		nxnlaw@gmail.com	11/19/2021 3:00:59 PM	SENT
Clint V.Cox		ccox@coxpllc.com	11/19/2021 3:00:59 PM	SENT
Donna Gordon		dgordon@coxpllc.com	11/19/2021 3:00:59 PM	SENT
Lauren Lopez		llopez@coxpllc.com	11/19/2021 3:00:59 PM	SENT

CAUSE NO. 2021-55339

SEAN XAVIER HOLCOMBE

VS.

JAMES KENNETH LEE  
JIBADS TRUCKING LLC.  
JIMMY EDGAR HIPES

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IN THE DISTRICT COURT

\_\_\_\_th JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER

James Lee JIBADS TRUCKING LLC. Jim Hipes DEFENDANT, files this Defendant's Original Answer.

The last three numbers of 705, 340's driver's license number are xxx. The

last three numbers of 705, 340's Social Security number are xxx.

1. General Denial

Defendant enters a general denial.

3. Prayer

Defendant prays that Plaintiff take nothing and that Defendant be granted all relief requested in this Original Answer.

Defendant prays for general relief.

FILED  
MARILYN FURNESS  
DISTRICT CLERK  
HARRIS COUNTY, TEXAS

2021 NOV 17 PM 12: 52

Page 1 of 2  
CIVIL AFTER HOURS

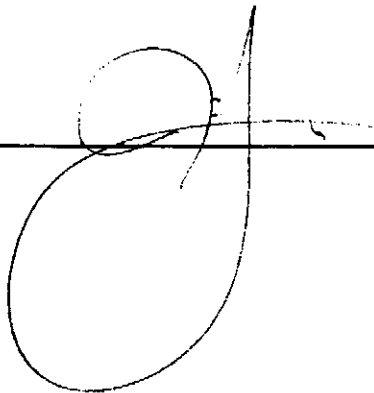


By: /s/	
NAME:	Jim Hipes
ADDRESS:	2138 Golden Gate Kingman AZ 86401
TEL:	928/279/9095
EMAIL:	JBANDSTUCKING@ GMAIL.COM

**Certificate of Service**

I certify that a true copy of the above was served on November 16, 2021 on each party/counsel of record pursuant the TRCP 21a.

Via Email: nxnlaw@gmail.com  
Thomas Nixon

/s/ 

FILED  
MARILYN BURGESS  
DISTRICT CLERK  
HARRIS COUNTY, TEXAS

2021 NOV 17 PM 12: 52

CIVIL AFTER HOURS



**Marilyn Burgess – Harris County District Clerk****Request for Issuance of Service**CASE NUMBER: 2021-55339CURRENT COURT: 133rdName(s) of Documents to be served: Plaintiff's Original Petition & Request for DiscoveryFILE DATE: 08/31/2021 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Jimmy Edgar Hipes registerd agent for JJBADSAddress of Service: 2138 Golden Gate AveCity, State & Zip: Kingman, Arizona 86401

Agent (if applicable): \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☒ Citation    ☐ Citation by Posting    ☐ Citation by Publication    ☐ Citations Rule 106 Service  
☐ Citation Scire Facias    Newspaper \_\_\_\_\_  
☐ Temporary Restraining Order    ☐ Precept    ☐ Notice  
☐ Protective Order  
☐ Secretary of State Citation ( \$12.00)    ☐ Capias (not an E-Issuance)    ☐ Attachment  
☐ Certiorari    ☐ Highway Commission ( \$12.00)  
☐ Commissioner of Insurance (\$12.00)    ☐ Hague Convention (\$16.00)    ☐ Garnishment  
☐ Habeas Corpus    ☐ Injunction    ☐ Sequestration  
☐ Subpoena

☒ Other (Please Describe) By certified Mail to registerd agent

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- ☐ ATTORNEY PICK-UP (phone) \_\_\_\_\_ ☒ CONSTABLE  
☐ MAIL to attorney at: \_\_\_\_\_

☒ CERTIFIED MAIL by District Clerk    ☐ E-Issuance by District Clerk (No Service Copy Fees Charged)  
 (Note:) **CAPIAS is not an E-Issuance Option**

☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_

☐ OTHER , explain email to: nxnlaw@gmail.com

Issuance of Service Requested By: Attorney/Party Name: Thomas P. Nixon Bar # or ID 24048692

Mailing Address: 5444 Westheimer Rd., Ste. 125, Houston, TX 77056-5378

Phone Number: 713-893-4439

**Marilyn Burgess – Harris County District Clerk****Request for Issuance of Service**CASE NUMBER: 2021-55339CURRENT COURT: 133rdName(s) of Documents to be served: Plaintiff's Original Petition & Request for DiscoveryFILE DATE: 08/31/2021 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: James Kenneth LeeAddress of Service: 4872 N. Van Nuys Rd.City, State & Zip: Kingman, Arizona 86409-1840

Agent (if applicable): \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- |   |  |  |   |
|---|--|--|---|
| <input checked="" type="checkbox"/> Citation                    | <input type="checkbox"/> Citation by Posting           | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias                  | Newspaper _____  |  |   |
| <input type="checkbox"/> Temporary Restraining Order            | <input type="checkbox"/> Precept                       | <input type="checkbox"/> Notice                  |   |
| <input type="checkbox"/> Protective Order                       |  |  |   |
| <input type="checkbox"/> Secretary of State Citation ( \$12.00) | <input type="checkbox"/> Capias (not an E-Issuance)    | <input type="checkbox"/> Attachment              |   |
| <input type="checkbox"/> Certiorari                             | <input type="checkbox"/> Highway Commission ( \$12.00) |  |   |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00)    | <input type="checkbox"/> Hague Convention (\$16.00)    | <input type="checkbox"/> Garnishment             |   |
| <input type="checkbox"/> Habeas Corpus                          | <input type="checkbox"/> Injunction                    | <input type="checkbox"/> Sequestration           |   |
| <input type="checkbox"/> Subpoena                               |  |  |   |
| <input type="checkbox"/> Other (Please Describe) _____          |  |  |   |

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- |   |  |
|---|--|
| <input type="checkbox"/> ATTORNEY PICK-UP (phone) _____                               | <input type="checkbox"/> CONSTABLE   |
| <input type="checkbox"/> MAIL to attorney at: _____                                   |  |
| <input type="checkbox"/> CERTIFIED MAIL by District Clerk                             | <input type="checkbox"/> E-Issuance by District Clerk (No Service Copy Fees Charged) |
| (Note:) <b>CAPIAS is not an E-Issuance Option</b>                                     |  |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____   | Phone: _____   |
| <input checked="" type="checkbox"/> OTHER , explain <u>email to: nxnlaw@gmail.com</u> |  |

Issuance of Service Requested By: Attorney/Party Name: Thomas P. Nixon Bar # or ID 24048692Mailing Address: 5444 Westheimer Rd., Ste. 125, Houston, TX 77056-5378Phone Number: 713-893-4439

**Automated Certificate of eService**

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Thomas Nixon  
Bar No. 24048692  
tpnix@hotmail.com  
Envelope ID: 58327296  
Status as of 10/19/2021 3:18 PM CST

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Thomas Nixon		tpnix@hotmail.com	10/19/2021 1:47:35 PM	SENT
Thomas Nixon		nxnlaw@gmail.com	10/19/2021 1:47:35 PM	SENT

CAUSE NUMBER \_\_\_\_\_

**SEAN XAVIER HOLCOMBE**  
**Plaintiff,****vs.****JAMES KENNETH LEE**  
**JJBADS TRUCKING, LLC**  
**JIMMY EDGAR HIPES**  
**Defendants.**§  
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§**IN THE DISTRICT COURT**\_\_\_\_\_  
**JUDICIAL DISTRICT****HARRIS COUNTY, TEXAS****PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCOVERY****TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COME** Sean X. Holcombe, hereinafter called Plaintiff, complaining of and about James Kenneth Lee, JJBADS Trucking, LLC, and Jimmy Edgar Hipes, Defendants, and for cause of action shows unto the Court the following:

**INTRODUCTION**

On or about March 12, 2021, an employee working for Defendant, JJBADS Trucking, LLC, was operating a commercial vehicle, AZ license plate AH66423, registered to Defendant, Jimmy Edgar Hipes. This vehicle struck Plaintiff from behind and/or on the back left side of his vehicle while Plaintiff was driving in the 1800 block S. Gulf Fwy., in Harris County, Texas.

**PARTIES AND SERVICE**

1. Plaintiff, Sean X. Holcombe is a resident of the State of Texas and reside in Harris County, Texas.

2. Defendant, James Kenneth Lee, is a resident of 4872 N. Van Nuys Rd, Kingman, AZ 86409-1840

3. Defendant, JJBADS Trucking, LLC, is a corporation in the State of Arizona, whose registered agent is Jimmy Edgar Hipes, and may be served with process at 2138 Golden Gate Ave.,

Kingman, AZ 86401.

4. Defendant, Jimmy Edgar Hipes, is the registered owner of the vehicle involved and possible employer of Defendant, he can be served at 2138 Golden Gate Ave., Kingman, AZ 86401.

#### **DISCOVERY CONTROL PLAN**

5. Pursuant to the Texas Rules of Civil Procedure 190.1, Plaintiff requests that discovery in this matter be conducted under Rule 190.2 (Level 2).

#### **JURISDICTION AND VENUE**

6. The subject matter in controversy is within the jurisdictional limits of this court.

7. Venue in Harris County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

#### **FACTS**

8. On or about March 12, 2021, an employee (James Kenneth Lee) working for Defendant, JJBADS Trucking, LLC, and Jimmy Edgar Hipes was operating a commercial vehicle, AZ license plate AH66423, registered to Defendant, Jimmy Edgar Hipes. This vehicle struck Plaintiff from behind and/or on the back left side of his vehicle while Plaintiff was driving in the 1800 block S. Gulf Fwy., in Harris County, Texas.

9. Plaintiff was physically injured, pain, and suffering as a result of the accident the subject of this suit.

10. Plaintiff suffered bodily injury and property damage as a result of the accident.

11. Plaintiff incurred medical damages and expenses as a result of the accident.

12. Plaintiff was treated for injuries as a result of the accident.

### **PLAINTIFF'S CLAIMS FOR NEGLIGENCE AGAINST DEFENDANTS**

13. Plaintiff alleges that Defendant's employee was negligent on the date in question, and that such negligence was the proximate cause of the damages described herein. Defendant had control of his vehicle on the date in question.

Plaintiff complains that Defendant's employee was negligent in one or more of the following respects:

- a. In handling his vehicle in such a way that an ordinary prudent person would not have under the same or similar circumstances;
- b. In Failing to exercise that degree of care that would be exercised by a very cautious and prudent person under the same or similar circumstances in the operation of a motor-driven vehicle such that Defendant would be personally liable to Plaintiff under Texas law;
- c. In failing to look forward and in his mirror(s) to scan the area of progression for respective vehicles and yielding the right of way;
- d. In failing to keep a proper lookout and yielding to right of way traffic;
- e. Failing to control the speed of his respective vehicle and failing to maintain a single lane of traffic;
- f. Failure to maintain a safe distance between his vehicle and Plaintiff;
- g. Other acts deemed negligent, due to the unsafe operation of his respective vehicle.
- h. Defendants, JJBADS Trucking, LLC and Jimmy Edgar Hipes are responsible for the actions of their employee as he was acting in the course and scope of his employment or he was driving a vehicle entrusted to him by these Defendants, and therefore they are responsible for his actions under the doctrine of respondeat superior and any other applicable doctrine or law in the State of Texas

### **REQUESTS FOR DISCLOSURE**

14. Pursuant to Rule 194, you are requested to disclose within 50 days of service of this request, the information or material described in Rule 194.2 of the Texas Rules of Civil Procedure.

### **RULE 193.7 T.R.C.P. NOTICE**

15. Plaintiff hereby gives notice to Defendant that any and all documents produced may be used against Defendant at any pretrial proceeding and/or trial of this matter without the necessity of authenticating the documents.

### **DAMAGES**

16. Plaintiff sustained the following damages as a result of the actions and/or omissions of Defendant's employee described hereinabove:

- a. All reasonable and necessary medical expenses incurred from all related past and future medical treatment for bodily injury;
- b. All reasonable and necessary costs incurred in pursuit of this suit;
- c. All past and future medical expenses incurred or to be incurred;
- d. Emotional pain;
- e. Physical pain and stress;
- f. Pain and suffering;
- g. Expert fees as the Court deems appropriate;
- h. Permanent Disfigurement and Disability;
- i. Property damage to his vehicle and personal property;
- j. Lost wages and employment;
- k. Interest; and
- l. Mental anguish in the past, present, and future.

### **T.R.C.P. 47**

Plaintiff seeks monetary relief in an amount greater than \$20,000.00, but less than \$1,000,000.00. Plaintiff seeks judgment from the Court for all relief both at law and in equity to which he is entitled.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant, jointly and severally, for damages in an amount within the jurisdictional limits of the Court; together with interest as allowed by law; costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

LAW OFFICE OF NIXON & ASSOCIATES, P.C.

By: /s/Thomas P. Nixon

Thomas P. Nixon

Attorney-in-Charge

Texas Bar No. 24048692

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Attorney for Plaintiff